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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMUNDO A. JAIME,
Petitioner, Civ-S-00-1235 DFL CMK P
v.
O R D E R
PEOPLE OF THE STATE OF
CALIFORNIA, et al.,
Respondents.

_____ /

Petitioner has filed a notice of appeal of this court's September 26, 2005 denial of his application for a writ of habeas corpus. Before petitioner may appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed.R.App.P. 22(b).


Under 28 U.S.C. § 2253 a certificate of appealability is warranted only if the case presents a "substantial question," i.e., one that is "'debatable among jurists of reason,'" could be resolved differently by a different court, or is "'adequate to

1 deserve encouragement to proceed further.'" Jennings v. Woodford,
2 290 F.3d 1006, 1010 (9th Cir. 2002) (quoting Barefoot v. Estelle,
3 463 U.S. 880, 893 (1983)).

4 For the reasons set forth in the September 26, 2005 order
5 denying defendant's petition for habeas corpus, defendant has not
6 made a substantial showing of the denial of a constitutional
7 right. Accordingly, petitioner's application for a certificate
8 of appealability is DENIED.

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10 IT IS SO ORDERED.

11 Dated: 12/19/2006

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15 DAVID F. LEVI
16 United States District Judge
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